

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

U.S. BANK, NATIONAL ASSOCIATION,

Plaintiff,

vs.

JOHNNY A. RIBEIRO, JR.,

Defendant.

Case No. 2:11-cv-01534-JCM-PAL

ORDER

This matter is before the court on Plaintiff's Status Report (Dkt. #24) and Defendant's Status Report (Dkt. #25), both filed February 2, 2012. On January 19, 2012, the court held a status conference concerning discovery. *See* Minute Order (Dkt. #22). The court entered a standard Discovery Plan and Scheduling Order (Dkt. #23) and directed counsel to meet and confer regarding the exchange of electronically stored information ("ESI").

Plaintiff's Status Report represents that Plaintiff's counsel has attempted to meet and confer with defense counsel in compliance with the court's Order (Dkt. #22) but has been unsuccessful. Plaintiff sent a letter to opposing counsel on January 30, 2012, along with Plaintiff's proposed ESI protocol, to schedule the Rule 26(f) conference. Although defense counsel scheduled a telephonic conference for 4:00 p.m. that same day, he did not attend. As of February 2, 2012, defense counsel had not responded to Plaintiff's counsel's request to meet and confer or schedule the Rule 26(f) conference.

Defendant's Status Report states that counsel was in the midst of preparing for a week-long trial beginning on January 31, 2012, when he spoke to Plaintiff's counsel. He asserts that he will endeavor to speak with Plaintiff's counsel within the next several days. Counsel also notes that Plaintiff's proposal is not feasible because his firm is not equipped with the requisite hardware and software, and purchasing it for this case would be cost prohibitive. He has not proposed an alternative.

Having reviewed and considered the matter,

1 **IT IS ORDERED** that counsel shall meet and confer no later than **Tuesday, February 14,**
2 **2012,** and shall submit their joint proposal regarding ESI protocol to the court no later than **Friday,**
3 **February 17, 2012, by 4:00 p.m.** If counsel cannot agree on a proposal, they shall submit a **joint**
4 **status report** stating their respective proposals and positions with enough specificity to enable the court
5 to decide the matter without further briefing.

6 Dated this 7th day of February, 2012.

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10 PEGGY A. LEEN
11 UNITED STATES MAGISTRATE JUDGE
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